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April 8, 2022

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Catherine McKoy, et al. v. The Trump Corporation, et al.*, 18-cv-09936 (LGS)

Dear Judge Schofield:

We write on behalf of Plaintiffs in the above-referenced action, pursuant to Rule I.D.3 of Your Honor's Individual Rules and Procedures for Civil Cases ("Individual Rules"), to respectfully request provisional approval to file under seal an unredacted version of a letter request for a pre-motion conference ("Pre-Motion Letter") concerning Plaintiffs' renewed request for leave to take up to 25 factual depositions in this case.

In the Pre-Motion Letter, Plaintiffs refer to information found in documents produced by third parties Anne Archer Butcher and Dolphin Media Group (collectively, the "Marketing Consultants"), American Communications Network ("ACN"), and Defendants that have been designated as "Confidential" under Paragraph 3 of the operative Protective Order (Doc. No. 112).

In accordance with Paragraph 16 of the Protective Order and this Court's Individual Rules, Plaintiffs have provisionally filed the unredacted Pre-Motion Letter under seal and have provisionally redacted references to the information designated as Confidential in the Pre-Motion Letter filed on the public docket.¹ Pursuant to Rule I.D.3 of this Court's Individual Rules, however, the entity or entities "with an interest in confidential treatment bears the burden of persuasion." Individual Rules, Rule I.D.3.

¹ In accordance with Rule I.D.3, an unredacted copy of the Pre-Motion Letter, with redactions highlighted, will be filed under seal contemporaneously with this letter motion. See Standing Order, 19-mc-00583 (Dec. 19, 2019); Electronic Case Filing Rules & Instructions, Rule 6.8. Plaintiffs will timely serve the unredacted version on Defendants and a version with appropriate redactions removed on the Marketing Consultants and ACN.

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In this case, the Marketing Consultants, ACN, and Defendants, as the entities that made the relevant confidentiality designations, have the “interest in confidential treatment.” Accordingly, on March 28, 2022, counsel for Plaintiffs met and conferred with counsel for the Marketing Consultants, ACN, and Defendants, respectively, concerning Rule I.D.3 of this Court’s Individual Rules and the Marketing Consultants, ACN, and Defendants’ obligation thereunder to promptly submit a letter “explaining why” the Marketing Consultants, ACN, and Defendants “seek[] to have certain documents filed in redacted form or under seal,” pursuant to Rule I.D.3.

Finally, for the avoidance of doubt, Plaintiffs take no position at this time on whether the redacted information was properly designated as confidential or whether it ought to remain sealed from the public. Plaintiffs further respectfully reserve the right to challenge the relevant confidentiality designations in the future pursuant to Paragraph 15 of the Protective Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John C. Quinn", is positioned above a solid horizontal line.

John C. Quinn

cc: Counsel of Record (via ECF)
Counsel for the Marketing Consultants (via certified overnight delivery service and email)
Counsel for ACN (via certified overnight delivery service and email)